

AMENDMENT  
June 6, 2006

BUR920040054US1  
Serial No. 10/711,819

### REMARKS

Claims 1 – 20 remain in the application. Claims 1 – 10, 14 – 17, 19 and 20 stand rejected. Claims 11 – 13 and 18 are objected to for depending from a rejected base claim. Claims 1, 7, 8, 9, 11, 16 and 18 are amended herein. No new matter has been added.

The specification is amended for spelling. No new matter has been added.

Claims 11 – 13 and 18 are objected to for depending from a rejected base claim, but are indicated to encompass patentable subject matter. Claims 1 – 10, 14 – 17, 19 and 20 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,839,280 to Chindalore et al. In objecting to claims 11 – 13 and 18, it is acknowledged that no reference of record teaches or suggests an IC with “an active dummy load device for loading the dummy cell, as recited in claims 11 and 18. Responsive thereto, claims 8 and 16 are amended, respectively to recite “a dummy cell loaded by an active dummy load device” and “an active dummy load device loading said dummy cell.” Accordingly, claims 8 and 16 are allowable over all references of record. Reconsideration and withdrawal of the rejection of claims 8 and 16 and the objection to claims 11 – 13 and 18 is respectfully requested.

Further, since dependent claims include all of the recitations of the claims from which they depend, claims 9, 10, 14, 15, 17, 19 and 20, which depend from claims 8 and 16, respectively, are allowable over all references of record. Reconsideration and withdrawal of the rejection of claims 9, 10, 14, 15, 17, 19 and 20 under 35 U.S.C. §102(e) over Chindalore et al. is respectfully requested.

Regarding the rejection of claims 1 – 7, it is asserted that “the apparatus as described [in Chindalore et al.] would perform the method of programming nonvolatile memory cells as recited in claims 1 – 7.” Chindalore et al. specifically teaches erasing cells, e.g., “each time memory array 32 is cycled. That is, reference transistor 46 will

AMENDMENT  
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receive the same program or erase voltage as memory array 32, and for the same length of time, each time memory array 32 is programmed or erased." Col. 4, lines 16 – 23; and see, claim 12, Figures 1 and 2, and col. 3, lines 1 – 13.

Therefore, Chindalore et al. fails to teach overwriting the array with each program cycle as claimed by claim 1 as amended, i.e., "returning to step (b) without erasing previously programmed said ones." This amendment to claim 1 is supported by claim 7 as filed. Furthermore claim 7 is amended to recite that the "NVM cells are in an array of previously programmed said NVM cells ... [that are] not erased between writes." Neither is this taught or suggested by Chindalore et al. or any reference of record. Accordingly, both claims 1 and 7 as amended are believed to be allowable over all references of record.

Since dependent claims include all of the recitations of the claims from which they depend, claims 2 – 6, which depend from claim 1, are also believed to be allowable over all references of record. Reconsideration and withdrawal of the rejection of amended claims 1 – 7 under 35 U.S.C. §102(e) over Chindalore et al. is respectfully requested.

The applicants have considered references cited but not relied upon and find them no more relevant than the reference upon which the rejection is based.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner consider new claims 21 – 24, reconsider and withdraw the rejection of claims 1 – 12, 14 and 15 under 35 U.S.C. §102(e), and allow the application to issue.

AMENDMENT  
June 6, 2006

BUR920040054US1  
Serial No. 10/711,819

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Please charge any deficiencies in fees and credit any overpayment of fees to IBM Corporation Deposit Account No. 09-0456 and advise us accordingly.

Respectfully Submitted,



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(Date)

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